

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, et al.,
Plaintiffs,
v.
TESLA, INC., et al.,
Defendants.

Case No. [3:17-cv-06748-WHO](#)

**ORDER DENYING MOTION FOR
SANCTIONS, DENYING MOTIONS TO
SEAL, AND VACATING HEARING**

Re: Dkt. Nos. 146, 147, 158

On January 13, 2020, plaintiffs Owen Diaz and Demetric Di-az filed a motion for sanctions against defendant Tesla, Inc., arguing that it improperly withheld names and identifying information about witnesses who fell within the scope of their interrogatories and my October 3, 2019 Order resolving the parties' discovery disputes.¹ Dkt. No. 146; *see also* Dkt. No. 93. The plaintiffs ask that I preclude Tesla from calling as witnesses any responsive employees whom it has failed to disclose and that I order Tesla to pay them the attorney fees incurred in filing the motion.

The latter request is DENIED. Per my Standing Order, the dispute outlined in the motion should have been presented as a joint discovery letter after the meet-and-confer process. And even if the plaintiffs had properly presented the dispute, I would have denied their request for money sanctions.

As far as witnesses, I will resolve the parties' messy back-and-forth on a case-by-case basis at the pretrial conference. If the plaintiffs are able to show that Tesla has concealed

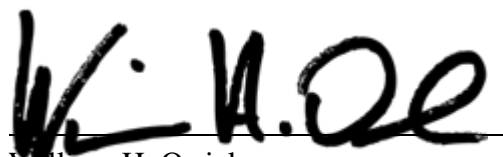
¹ On behalf of Tesla and its co-defendant nextSource, Inc., the plaintiffs also moved to seal information associated with their motion and reply. Dkt. Nos. 147, 158. Neither defendant filed a declaration in support of sealing as required by Civil Local Rule 79-4(e)(1). Accordingly, the motions are DENIED. The Clerk shall UNSEAL Dkt. Nos. 147 and 158 in their entirety.

1 identifying information or failed to disclose anyone who was in fact responsive to plaintiffs'
2 discovery requests and my order, Tesla will not be permitted to call those individuals as witnesses
3 during trial. That will become apparent once the parties have exchanged their witness lists prior to
4 the pretrial conference; plaintiffs (and Tesla) may move in limine at that time for exclusion of
5 specific witnesses if circumstances warrant it.

6 The February 19, 2020 hearing on the motion is VACATED.

7 **IT IS SO ORDERED.** Dated:

8 February 14, 2020

9
10 
11 William H. Orrick
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California